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2 **IN THE UNITED STATES DISTRICT COURT FOR THE**
3 **WESTERN DISTRICT OF MISSOURI**
4 **SOUTHERN DIVISION**

5 **UNITED STATES OF AMERICA,**) Case No. 16-03084-01-CR-S-RK
6)
7 **Plaintiff,**) Springfield, Missouri
8) June 20, 2017
9 **v.**)
10)
11 **BROOKE DANIELLE BECKLEY,**)
12)
13 **Defendant.**)
14)
15)

16 **TRANSCRIPT OF HEARING ON CHANGE OF PLEA**
17 **BEFORE THE HONORABLE DAVID P. RUSH**
18 **UNITED STATES MAGISTRATE JUDGE**

19 APPEARANCES:

20 For the Plaintiff: Mr. Timothy A. Garrison
21 Assistant United States Attorney
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23 Springfield, MO 65806
24 (417) 831-4406

25 For the Defendant: Mr. Shane P. Cantin
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35 Proceedings recorded by electronic sound recording, transcript
36 produced by transcription service.

(Court in Session at 1:30 p.m.)

THE COURT: Calling in *United States vs. Brooke Danielle Beckley*. The defendant appears in person along with her attorney, Mr. Shane Cantin. The United States appears by Assistant United States Attorney, Mr. Tim Garrison. This matter is set this afternoon for a change of plea to Counts One and Four of the Indictment returned against this defendant on July 20th of 2016. Ms. Beckley, you have signed a consent to have these proceedings for a plea of guilty before a Magistrate Judge, with the understanding that a United States District Judge, a judge of higher jurisdiction, will keep your case for acceptance of the plea of guilty and sentencing. Even though you signed this consent you have a right, if you wish, to appear before a United States District Judge, a judge of higher jurisdiction, for these proceedings. At any appearance before the District Judge, you're presumed innocent until such time, if ever, as the Government establishes your guilt beyond a reasonable doubt to the satisfaction of the judge or jury. You always have a right to confront and cross-examine witnesses. You have a right to use the power of the court to subpoena evidence on your behalf and you have a right to testify or not testify as you would choose. And if you chose not to testify it would not be held against you as that is your right. If, after understanding the charges against you, the range of punishment, if convicted, and your right to appear before a District Judge, if you wish, you may

1 waive or give up that right and proceed this afternoon before the
2 Magistrate Judge. As I indicated, you have signed such a
3 consent. Do you understand that you have a right to appear
4 before a United States District Judge, a judge of higher
5 jurisdiction, for these proceedings?

6 MS. BECKLEY: Yes, sir.

7 THE COURT: And -- yeah, Mr. Cantin, if you could have
8 her -- that microphone by you is a directional microphone. Yeah.
9 And I know you may be soft-spoken, if you can just speak up. I
10 can hear you just fine but our transcriptionist, who will be
11 making a transcript of this hearing, she needs to be able to hear
12 you. So, again, the answer to the question was?

13 MS. BECKLEY: Yes, sir.

14 THE COURT: And is it your desire to give up that right
15 and proceed this afternoon before the Magistrate Judge?

16 MS. BECKLEY: Yes, sir.

17 THE COURT: Do you understand the charge against you in
18 Count One of the Indictment in this case?

19 MS. BECKLEY: Yes, sir.

20 THE COURT: Do you understand that if convicted of the
21 charge in Count One, that the minimum penalty the court may
22 impose is not less than 10 years imprisonment, while the maximum
23 penalty the court may impose is not more than life imprisonment,
24 a \$10 million fine, not less than five years supervised release,
25 and a \$100 mandatory special assessment?

1 MS. BECKLEY: Yes, sir.

2 THE COURT: To the charge in Count One, how do you wish
3 to plead, guilty or not guilty?

4 MS. BECKLEY: Guilty.

5 THE COURT: Do you understand the charge against you in
6 Count Four of the Indictment that's been returned in this case?

7 MS. BECKLEY: Yes, sir.

8 THE COURT: Do you understand that if convicted of the
9 charge in Count Four, that the minimum penalty the court may
10 impose is imprisonment for a term of not less than 10 years,
11 while the maximum penalty the court may impose is not more than
12 life imprisonment, supervised release for not more than five
13 years, a \$250,000 fine and an order of restitution and also any
14 sentence imposed as to Count Four must be consecutive to any
15 sentence imposed as to Count One?

16 MS. BECKLEY: Yes, sir.

17 THE COURT: And to the charge in Count Four of the
18 Indictment, how do you wish to plead, guilty or not guilty?

19 MS. BECKLEY: Guilty.

20 THE COURT: Would you please raise your right hand?

21 BROOKE DANIELLE BECKLEY, DEFENDANT, SWORN

22 THE COURT: Has anyone made any threat of any kind to
23 force you to plead guilty or to give up any of the other rights
24 that we've discussed this afternoon?

25 MS. BECKLEY: No, sir.

1 THE COURT: You've signed a Plea Agreement. Have you
2 read that agreement and gone over it with Mr. Cantin?

3 MS. BECKLEY: Yes, sir.

4 THE COURT: Do you understand what's in it?

5 MS. BECKLEY: Yes, sir.

6 THE COURT: Other than what is contained in the Plea
7 Agreement, has anyone made any promise of any kind to induce you
8 or overcome your will to get you to plead guilty or give up any
9 of the other rights we've discussed?

10 MS. BECKLEY: No, sir.

11 THE COURT: I mentioned to you that there was a
12 supervised release term of not less than five years that could be
13 imposed on Count One and not more than five years that could be
14 imposed as to Count Four in your case. Do you understand that if
15 those terms were imposed and then revoked for any reason, that
16 you could be required to serve an additional term of imprisonment
17 of not more than five years, as to each count and if that
18 happened, you would receive no credit for any other time you had
19 spent either in custody or on release?

20 MS. BECKLEY: Yes, sir.

21 THE COURT: Do you understand that the Court could then
22 impose an additional term of supervised release as to each count,
23 which is governed by the maximum of the statute, minus any time
24 you'd spent in custody as a result of a violation?

25 MS. BECKLEY: Yes, sir.

1 THE COURT: Do you understand that from a sentence
2 imposed in your case that there is no parole?

3 MS. BECKLEY: Yes, sir.

4 THE COURT: Do you understand that there are Sentencing
5 Guidelines to which the District Court would refer to in an
6 advisory capacity when attempting to fashion a reasonable
7 sentence in your case?

8 MS. BECKLEY: Yes, sir.

9 THE COURT: There are guideline calculations in your
10 Plea Agreement. Have you discussed the guidelines with Mr.
11 Cantin?

12 MS. BECKLEY: Yes, sir.

13 THE COURT: And do you understand them?

14 MS. BECKLEY: Yes, sir.

15 THE COURT: Do you understand that the final decision as
16 to how the guidelines are calculated and ultimately what sentence
17 will be imposed rests with the District Judge?

18 MS. BECKLEY: Yes, sir.

19 THE COURT: If the District Judge would calculate the
20 guidelines differently from what is in the Plea Agreement and
21 from what you've discussed with Mr. Cantin, that fact would not
22 give you the right to withdraw or change your plea of guilty. Do
23 you understand that?

24 MS. BECKLEY: Yes, sir.

25 THE COURT: Once the District Judge establishes the

1 advisory guideline range, in some circumstances, you could be
2 sentenced above that range and, in other circumstances, below
3 that range. And again, the judge's decision, if you disagreed,
4 would not give you the right to withdraw your plea of guilty. Do
5 you understand that?

6 MS. BECKLEY: Yes, sir.

7 THE COURT: Now, Ms. Beckley, you have a right to a
8 trial by jury with all the protections that I explained to you at
9 the beginning of these proceedings. Do you understand your right
10 to a trial by jury?

11 MS. BECKLEY: Yes, sir.

12 THE COURT: And do you understand that if the court
13 accepts your pleas of guilty that there won't be a trial?

14 MS. BECKLEY: Yes, sir.

15 THE COURT: I'm going to ask you about the offenses
16 charged in the Indictment. I would remind you that you are under
17 oath. You must answer truthfully. Any false answers could
18 result in charges of false swearing or perjury. You always have
19 the right to remain silent. And I want to direct your attention
20 to page 2 of your Plea Agreement, specifically, to Paragraph 3 or
21 Section 3, which is entitled in bold **Factual Basis for Guilty**
22 **Plea.** Have you read Paragraph 3 and gone over it with Mr.
23 Cantin?

24 MS. BECKLEY: Yes, sir.

25 THE COURT: And are the statements contained in Section

1 3 true?

2 MS. BECKLEY: Yes, sir.

3 THE COURT: Mr. Cantin, you've had access to the
4 Government's discovery file in this case, have you not?

5 MR. CANTIN: I have, Your Honor.

6 THE COURT: And based upon your review of the discovery
7 file, are you satisfied if put to proof, that the United States
8 could make a submissible case as to all the elements pertaining
9 to Counts One and Four of the Indictment as set out in Section 3
10 of the Plea Agreement?

11 MR. CANTIN: Yes, Your Honor, I am.

12 THE COURT: There is an adequate factual basis for the
13 pleas of guilty to Counts One and Four. I find that the plea is
14 voluntary and did not result from force, threats or promises
15 other than those in the Plea Agreement. Ms. Beckley, you are
16 represented in this case by Mr. Cantin. Have you had enough time
17 to talk with him about your case?

18 MS. BECKLEY: Yes, sir.

19 THE COURT: And are you satisfied with the advice that
20 he's given you?

21 MS. BECKLEY: Yes, sir.

22 THE COURT: The law requires me to ask you if this
23 afternoon you are on any medication prescribed by a physician or
24 any drugs or alcohol of any kind which would affect your ability
25 to understand these proceedings?

1 MS. BECKLEY: No, sir.

2 THE COURT: The plea bargain agreement that you've
3 signed also contains what we refer to as an appeal waiver. And
4 again I'd like to direct your attention back to your plea bargain
5 agreement, specifically on page 10, Paragraph 15, which is
6 entitled in bold **Waiver of Appellate and Post-Conviction Rights**.
7 That continues throughout the bottom portion of page 10 and then
8 onto a portion -- a top portion of page 11. Have you read
9 Paragraph 15 and gone over it with Mr. Cantin?

10 MS. BECKLEY: Yes, sir.

11 THE COURT: And do you understand that by signing this
12 Plea Agreement that you've given up those rights to appeal as set
13 forth in Paragraph 15?

14 MS. BECKLEY: Yes, sir.

15 THE COURT: Understanding that and the other matters
16 that we've discussed this afternoon, is it your desire for the
17 Court to accept these pleas of guilty?

18 MS. BECKLEY: Yes, sir.

19 THE COURT: Mr. Garrison, on behalf of the United
20 States, do you have any other record under Rule 11 that you think
21 I need to make?

22 MR. GARRISON: No, Your Honor. Thank you.

23 THE COURT: Mr. Cantin, on behalf of the defendant, do
24 you have any other record under Rule 11 that you think I need to
25 make?

1 MR. CANTIN: I don't, Your Honor.

2 THE COURT: I will recommend the pleas of guilty be
3 accepted and I will order a Presentence Investigation to be
4 conducted by the Probation Office. Ms. Beckley, good luck to
5 you.

6 MS. BECKLEY: Thank you.

7 THE COURT: With that, we'll be in recess.

8 (Court Adjourned at 1:39 p.m.)

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I certify that the foregoing is a correct transcript
from the electronic sound recording of the proceeding in the
above-entitled matter.

/s/ Lissa C. Whittaker
Signature of transcriber

June 26, 2017
Date